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Hearing Date: February 21, 2017
Hearing Time: 10:50 AM

Attorneys for Movant

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

CLUB VENTURES INVESTMENTS LLC,

----- Chapter 7
Debtor. Case No. 17-10060-shl

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NOTICE OF HEARING OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affirmation of Alan Fuchsberg, Esq., attorney for movant, SCOTT BARBUTO, the undersigned will move this Court before the Honorable Cecelia G. Morris, United States Bankruptcy Judge, located at the United States Bankruptcy Court, One Bowling Green, Room 511, Fifth Floor, New York, NY 10004 on the 21st day of February, 2017 at 10:50 A.M. of said day or as soon thereafter as counsel can be heard for the entry of an order pursuant to 11 U.S.C. § 362(d), granting relief from the automatic stay to permit Movant's personal injury action pending in the Supreme Court of the State of New York, New York County, entitled SCOTT BARBUTO, Plaintiff, -against- CLUB VENTURES INVESTMENTS LLC d/b/a DAVIDBARTONGYM, Defendant, Index Number 150695/2013, to proceed. Movant has made a *prima facie* showing that cause exists to lift the automatic stay because, *inter alia*, the debtor is privately insured, the litigation of the case would not interfere with the bankruptcy proceedings, the debtor would not be prejudiced by enabling the case to

proceed to trial and seek recovery against its insurance, the parties are ready for trial, and thus, the case could be resolved expeditiously if the stay was lifted.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Bankruptcy Rule 9006-1 answering papers, if any, must be filed with the Clerk of the Court, United States Bankruptcy Court and be served upon the undersigned at least seven (7) business days in advance of the hearing, with a copy to chambers of the Honorable Cecelia G. Morris.

Dated: New York, New York
January 30, 2017

THE JACOB D. FUCHSBERG LAW FIRM, LLP


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